

REMARKS

Claims 1-11 and 13-28 are pending in the above-referenced patent application. In this response, claims 1-11 have been amended, claim 12 has been cancelled and claims 13-28 have been added.

Status of Specification and Claims

Assignee has amended the specification to correct some unintentional typographical errors. Additionally, claims 1-11 have been amended. It is noted that these claims were not amended to overcome the rejections and objections, or in light of the cited references. Rather, the claims were amended to more clearly delineate intended subject matter. Furthermore, it is believed that these amendments do not narrow claim scope. Rather, in some circumstances, the claims may even be broadened. Therefore, no prosecution history estoppel should result from these claim amendments. Additionally, it is respectfully submitted that adequate support may be found in the specification for new claims 13-28. For example, adequate support may be found at least from paragraph [0012] – [0024], and Figures 3-5.

Claim Rejections – 35 USC 102(e)

The Examiner rejected claims 1, 3, 9 and 11 under 35 USC §102(e) as being anticipated by Ichikawa et al. (US Patent No. 6,919,974, hereinafter “Ichikawa”). This rejection is respectfully traversed.

Assignee respectfully submits that Ichikawa does not set forth each and every element of the rejected claims, as amended, and, therefore, contrary to the Examiner's assertion, the claims are not anticipated by Ichikawa under 35 U.S.C. 102(e). As just an example, referring to claim 1, as amended, Ichikawa does not show or describe “a first and a second auxiliary light source, disposed proximate to the first and second end respectively of the primary light source”, as recited in claim 1, as amended. Ichikawa describes an image reading device having a light source, but does not set forth at least the limitations noted above.

It is therefore respectfully submitted that because Ichikawa does not set forth each and every element of claim 1, as amended, contrary to the Examiner's assertion Ichikawa does not anticipate claim 1 under 35 U.S.C. 102(e), and claim 1 is in a condition for allowance. Additionally, claim 3 is in a condition for allowance for at least the same reasons as claim 1.

Additionally, referring to claim 9, as amended, Ichikawa does not set forth at least "a primary light source comprising a tube having a tube wall, a first end, a second end, and a center portion, wherein the tube wall is applied with a total reflective material such that an opening for emitting a light beam is formed, wherein the total reflective material applied proximate to the first and second end comprises a total reflective material having a higher density than the material applied to the center portion of the tube wall", as recited in claim 9, as amended. The light source described in Ichikawa does not set forth the limitations noted above. For example, quoting from col 4:8 – col 4:10, "On the inner face of the tube 21, a phosphor 24 is disposed in a single layer. The phosphor 24 is coated to have a uniform depth." As clearly shown by the cited portion of Ichikawa, at least the limitations noted above are not set forth in Ichikawa. It is therefore respectfully submitted that because Ichikawa does not set forth each and every element of claim 9, as amended, contrary to the Examiner's assertion Ichikawa does not anticipate claim 9 under 35 U.S.C. 102(e), and claim 9 is in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided; but Assignee believes that this ground is sufficient. Additionally, claim 11, as amended, is in a condition for allowance for the same and/or similar reasons as presented with reference to claim 9, as amended. It is respectfully requested that the Examiner withdraw his rejections of these claims.

Claim Rejections – 35 USC 103(a)

The Examiner has rejected claims 2 and 10 under 35 USC §103(a) as being unpatentable over Ichikawa in view of Kramer (U.S. Pat. No. 4,371,897); rejected claims 4 and 5 under 35 USC §103(a) as being unpatentable over Ichikawa in view of Nagano (U.S. Pat. No. 4,731,661); rejected claims 6 and 12 under 35 USC §103(a) as being unpatentable over Ichikawa in view of Kawai et al. (U.S. Pat. No. 6,360,030, hereinafter "Kawai"); and rejected claims 7 and 8 under 35 USC §103(a) as being

unpatentable over Ichikawa in view of Nagano, and further in view of Nagano. These rejections are respectfully traversed.

Ichikawa v. Kramer

1. Failure to teach all the claim limitations

Assignee respectfully submits that claims 2 and 10, as amended, are not rendered obvious over Ichikawa in view of Kramer. It is noted that in order to establish *prima facie* obviousness there must be some suggestion or motivation to modify or combine reference teachings, and the combination, if successful, must teach or suggest all of the claim limitations. As stated in the Manual for Patent Examining Procedure (MPEP), § 2142/2143, "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." It is respectfully submitted that Ichikawa, whether viewed alone or in view of Kramer, would still not teach or suggest all the claim limitations.

For example, as noted above, Ichikawa fails to teach or suggest all the claim limitations of the rejected claims. Further, Kramer fails to cure the deficiency noted above. For example, Kramer is directed toward a reflective coating applied to a collector rod. Referring to claim 2, as amended, Kramer does not teach or suggest "a first and a second auxiliary light source, disposed proximate to the first and second end respectively of the primary light source", as recited in claim 1, as amended, from which claim 2 depends.

Additionally, referring to claim 10, as stated previously, Ichikawa fails to teach or suggest all the claim limitations, and Kramer fails to cure this deficiency. For example, Kramer does not teach or suggest "a primary light source comprising a tube having a tube wall, a first end, a second end, and a center portion, wherein the tube wall is applied with a total reflective material such that an opening for

emitting a light beam is formed, wherein the total reflective material applied proximate to the first and second end comprises a total reflective material having a higher density than the material applied to the center portion of the tube wall", as recited in claim 9, as amended, from which claim 10 depends.

Assignee respectfully submits that because Ichikawa, whether viewed alone or in combination with Kramer fails to teach or suggest all the claim limitations of claims 2 and 10, a prima facie case of obviousness has not been established. Therefore, the rejected claims are in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Accordingly, it is respectfully requested that the Examiner withdraw his rejections of these claims.

Ichikawa v. Nagano

1. Failure to teach all the claim limitations

Assignee respectfully submits that claims 4 and 5, as amended, are not rendered obvious over Ichikawa in view of Nagano. For example, it is respectfully submitted that Ichikawa, whether viewed alone or in view of Nagano, would still not teach or suggest all the claim limitations.

For example, as noted above, Ichikawa fails to teach or suggest all the claim limitations of the rejected claims. Further, Nagano fails to cure the deficiency noted above. For example, Nagano is directed toward a color document reader, and does not teach or suggest "a first and a second auxiliary light source, disposed proximate to the first and second end respectively of the primary light source", as recited in claim 1, as amended, from which claims 4 and 5 depend.

According to the Examiner, "[A] first auxiliary light source (3) and a second auxiliary light source (5) at both sides of a light source (4) separately is taught by Nagano. ... The light sources (3 and 5) are considered auxiliary light sources in the Office Action because they and the light source (4) together make the document scanner of Nagano a color document scanner." However, this characterization of Nagano is incorrect. The light sources of Nagano noted by the Examiner are primary light sources, which provide primary colors (RGB) for a color document scanner. These primary light sources are operable as a set, and each provide a particular wavelength range of light, rather than compensate for

another source of light. See, for example, col 2:51 – col 3:8. There is no teaching or suggestion of any auxiliary light sources, but, rather, only three primary light sources.

Assignee respectfully submits that because Ichikawa, whether viewed alone or in combination with Nagano fails to teach or suggest all the claim limitations of claims 4 and 5, a prima facie case of obviousness has not been established. Therefore, the rejected claims are in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Accordingly, it is respectfully requested that the Examiner withdraw his rejections of these claims.

Ichikawa v. Kawai v. Nagano

1. Failure to teach all the claim limitations

Assignee respectfully submits that claim 6, as amended, is not rendered obvious over Ichikawa in view of Kawai. For example, it is respectfully submitted that Ichikawa, whether viewed alone or in view of Kawai, would still not teach or suggest all the claim limitations.

For example Ichikawa does not teach or suggest at least “a first and a second auxiliary light source, disposed proximate to the first and second end respectively of the primary light source”, as recited in claim 6, as amended. Ichikawa describes an image reading device having a light source, but does not show or describe the limitations noted above.

Additionally, Kawai fails to cure this deficiency noted in Ichikawa. For example, Kawai is directed toward an illumination device and an image reading apparatus, but does not teach or suggest “a first and a second auxiliary light source, disposed proximate to the first and second end respectively of the primary light source”, as recited in claim 6, as amended.

Assignee respectfully submits that because Ichikawa, whether viewed alone or in combination with Kawai fails to teach or suggest all the claim limitations of claim 6, a prima facie case of obviousness has not been established. Therefore, claim 6 is in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Accordingly, it is respectfully requested that the Examiner withdraw his rejections

of these claims. It is noted that claim 12 has been cancelled, and, therefore, the rejection of claim 12 is rendered moot.

Additionally, it is respectfully submitted that claims 7 and 8, as amended, are not rendered obvious over Ichikawa in view of Kawai, and further in view of Nagano. For example, it is respectfully submitted that Ichikawa, whether viewed alone or in view of Kawai and/or Nagano, would still not teach or suggest all the claim limitations.

As noted previously, Ichikawa does not teach or suggest one or more limitations of claim 6, from which claims 7 and 8 depend, and Kawai fails to cure this deficiency noted in Ichikawa. Additionally, Nagano fails to cure the deficiency noted in both of Ichikawa and Kawai. For example, Nagano does not teach or suggest at least "a first and a second auxiliary light source, disposed proximate to the first and second end respectively of the primary light source", as recited in claim 6, from which claims 7 and 8 depend.

Assignee respectfully submits that because Ichikawa, whether viewed alone or in combination with Kawai and/or Nagano fails to teach or suggest all the claim limitations of claims 7 or 8, a prima facie case of obviousness has not been established. Therefore, claims 7 and 8 are in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Accordingly, it is respectfully requested that the Examiner withdraw his rejections of these claims.

Additionally, new claims 13-28 are in a condition for allowance for the same and/or similar reasons as presented above.


CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

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Michael J. Willardson
Patent Attorney
Reg. No. 50,856

Berkeley Law and Technology Group, LLC
1700 NW 167th Place, Suite 240
Beaverton, OR 97006
Phone 503.439-6500
Customer No. 43831


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